

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK MULLICA,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 11-4034
	:	
v.	:	
	:	
MINNESOTA LIFE INSURANCE CO. et al.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this day 26th of September, 2013, upon consideration of Defendants' Motions to Dismiss (Dkt. Nos. 44, 47, and 48), the responses thereto, and parties Oral Argument on June 20, 2012, it is hereby ordered that said Motions are GRANTED in part and DENIED in part as follows:

- 1) As to Defendant MLIC, Plaintiff's Conversion of Rights claim under the Group Life Policy, breach of fiduciary claim, and state law claims remain. Plaintiff's Conversion of Rights claim under the AD&D Policy, equitable estoppel claim, and notice claim are dismissed with prejudice.
- 2) As to Defendants Arkema and Mercer, Plaintiff's claim pursuant to ERISA Section 502(a)(3) remains. With respect to these defendants, discovery shall be limited to whether Arkema and Mercer were Plaintiff's fiduciaries and whether there was a breach of any such duty. Plaintiff's claims brought pursuant to ERISA Section 502(a)(1)(b) are dismissed with prejudice.

BY THE COURT:

/s/ C.Darnell Jones, II

C. DARNELL JONES, II, U.S.D.J.